

SENATE BILL 754

By Johnson

AN ACT to amend Tennessee Code Annotated, Title 8,
Chapter 33, relative to employment protections for
members of the Tennessee national guard,
Tennessee state guard, and civil air patrol.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 8-33-110, is amended by deleting the
section and substituting instead the following:

8-33-110.

(a)

(1) Subject to the eligibility requirements of subdivision (a)(2) and in
addition to the leave of absence provided in § 8-33-109, all officers and
employees of this state, or any department or agency thereof, or of any county,
municipality, school district, or other political subdivision, all other public
employees of this state, and all private sector employees who are members of
the Tennessee army and air national guard, the Tennessee state guard, or civil
air patrol and are on active state duty pursuant to § 58-1-106 are entitled to:

(A) An unpaid leave of absence from their respective duties,
without loss of time, pay not specifically related to leave of absence time,
regular leave or vacation, or impairment of efficiency rating for all periods
of service during which they are engaged in the performance of duty or
training in the service of this state under competent orders, including the
performance of duties in an emergency; and

(B) Equivalent protections regarding the right to reemployment to those protections afforded under the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) (38 U.S.C. § 4301 et seq.) to service members called to federal active service.

(2) To be eligible for the protections set forth in subdivision (a)(1), a person must satisfy the following conditions:

(A) A person whose period of service in the uniformed services was thirty (30) days or less must report for work to the person's employer not later than the first full regularly scheduled work period following a period of eight (8) hours after the person has completed the person's period of service and has been safely transported to the person's residence, unless reporting for work within that time period is not reasonably practicable through no fault of the person, in which case the person must report for work as soon as reasonably practicable;

(B) A person whose period of service in the uniformed services was greater than thirty (30) days but not more than one hundred eighty (180) days must submit an application for reemployment with the person's employer within fourteen (14) days after completion of the person's period of service, unless doing so is not reasonably practicable through no fault of the person, in which case the person must submit an application for reemployment as soon as reasonably practicable; or

(C) A person whose period of service in the uniformed services was greater than one hundred eighty (180) days must submit an application for reemployment with the person's employer within ninety (90) days after completion of the period of service.

(b) Persons covered by subsection (a) shall, unless impossible or unreasonable under the circumstances of the person's call to active state duty, provide advance notice to their employer of competent orders calling the person to active state duty.

(c) The chancery court for the jurisdiction in which a person covered by subsection (a) is employed has the jurisdiction and authority to enforce this section, including the authority to order an employer to comply with this section.

SECTION 2. This act takes effect July 1, 2021, the public welfare requiring it.